

Assembly Bill No. 500

CHAPTER 268

An act to add Section 367.5 to, and to repeal Sections 575.5, 575.6, and 1006.5 of, the Code of Civil Procedure and to repeal Section 68070.1 of the Government Code, relating to civil actions.

[Approved by Governor October 5, 2007. Filed with
Secretary of State October 5, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 500, Lieu. Civil actions: telephonic appearances.

Existing law regulates the procedure of civil actions and requires that every action be prosecuted by the real party in interest, except as specified. Existing law permits attorneys to make appearances by telephone at trial setting conferences, except as specified. Existing law requires the Judicial Council to adopt standards of judicial administration governing the appearance of counsel by telephone at conferences and hearings. Existing law requires every superior court to provide for appearance of counsel by telephone in certain matters.

This bill would permit a party in a general civil case, as defined, who has provided notice, to appear by telephone at specified conferences, hearings, and proceedings. The bill would permit a court to require a party to appear in person at these hearings, conferences, or proceedings if the court makes a specified determination on a hearing-by-hearing basis. The bill would require the Judicial Council to adopt rules effectuating these provisions by January 1, 2008. The bill would repeal existing provisions that require the Judicial Council to adopt standards and procedures in connection with appearances by telephone and the superior courts to provide for appearances by telephone in certain matters. The bill would also make a statement of legislative intent.

The people of the State of California do enact as follows:

SECTION 1. Section 367.5 is added to the Code of Civil Procedure, to read:

367.5. (a) It is the intent of this section to promote uniformity in the procedures and practices relating to telephone appearances in civil cases. To improve access to the courts and reduce litigation costs, courts should, to the extent feasible, permit parties to appear by telephone at appropriate conferences, hearings, and proceedings in civil cases.

(b) Except as provided in subdivision (c), in all general civil cases, as defined in the California Rules of Court, a party that has provided notice

may appear by telephone at the following conferences, hearings, and proceedings:

(1) A case management conference, provided the party has made a good faith effort to meet and confer before the conference as required by law and has timely served and filed a case management statement.

(2) A trial setting conference.

(3) A hearing on law and motion, except motions in limine.

(4) A hearing on a discovery motion.

(5) A conference to review the status of an arbitration or mediation.

(6) A hearing to review the dismissal of an action.

(7) Any other hearing, conference, or proceeding if the court determines that a telephone appearance is appropriate.

(c) The court may require a party to appear in person at a hearing, conference, or proceeding listed in subdivision (b) if the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(d) Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules effectuating the policies and provisions in this section by January 1, 2008, and may adopt rules relating to matters not covered by subdivision (a). The rules may prescribe, but are not limited to prescribing, the notice to be given by a party requesting a telephone appearance under subdivision (a), the manner in which telephone appearances are to be conducted, the conditions required for a party to be permitted to appear by telephone, and provisions relating to the courts' use of private vendors to provide telephone services.

(e) This section does not apply to any types of cases or types of conferences, hearings, and proceedings except those specified in subdivision (b). Consistent with its constitutional rulemaking authority, the Judicial Council may by rule provide for the procedures and practices, and for the administration of, telephone appearances for all types of cases and matters not specified in subdivision (b). For these other cases and matters, the Judicial Council may specify the types of cases and matters in which parties may appear by telephone, the types of cases and matters in which parties shall appear personally, the conditions under which a party may be permitted to appear by telephone, and any other rules governing telephone and personal appearances that are within its rulemaking authority.

SEC. 2. Section 575.5 of the Code of Civil Procedure is repealed.

SEC. 3. Section 575.6 of the Code of Civil Procedure is repealed.

SEC. 4. Section 1006.5 of the Code of Civil Procedure is repealed.

SEC. 5. Section 68070.1 of the Government Code is repealed.